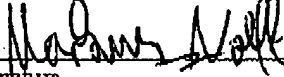


Docket No.: GR 97 P 2734

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper for Serial No. 09/161,196 is being facsimile transmitted to the Patent and Trademark Office fax number 703 308 7722 on the date shown below.


Signature

October 4, 2002
Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Before the Board of Patent Appeals and Interferences

Inventor : Frank Hintermaier
Applic. No. : 09/161,196
Filed : September 25, 1998
Title : Capacitor Having a Barrier Layer Made of a Transition Metal Phosphide, Arsenide Or Sulfide
Examiner : Cuong Q. Nguyen Art Unit: 2811

CONDITIONAL NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE
BOARD OF PATENT APPEALS AND INTERFERENCES

Hon. Commissioner of Patents and Trademarks,
Washington, D. C. 20231

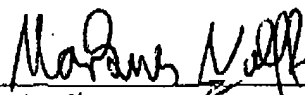
Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision dated June 4, 2002 of the Primary Examiner finally rejecting claims 1, 3, 5 and 7-12.

This Notice of Appeal is to be entered only if all of the rejected claims are not allowed as a result of the amendment being simultaneously filed herewith.

The Patent and Trademark Office is hereby given authority to charge Deposit Account No. 12-1099 of Lerner and Greenberg, P.A. for the \$310.00 appeal fee (if required) and any fees due or deficiencies of payments made for any purpose during the pendency of the above-identified application.

Respectfully submitted,


For Applicant

MARKUS HOFF
REG. NO. 37,006

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